

is responsible for the final determination and outcome of the case, and accordingly the Court has conducted a careful review of the magistrate judge's recommendation.

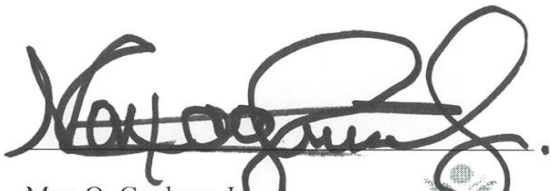
II. Discussion

After such careful review, the Court determines that the recommendation of the magistrate judge is fully consistent with and supported by current law. Further, the brief factual background and recitation of issues is supported by the applicable pleadings. Based on such determinations, the Court will fully affirm the Memorandum and Recommendation and grant relief in accordance therewith.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (#20) is **AFFIRMED**, plaintiff's Motion for Summary Judgment (#8) is **GRANTED**, defendant's Motion for Summary Judgment (#10) is **DENIED**, and this matter is **REMANDED** for further proceedings consistent with such Recommendation and this Order.

Signed: February 16, 2018



Max O. Cogburn Jr.
United States District Judge